

1 LESLIE MARK STOVALL, ESQ.  
Nevada Bar No. 2566  
2 ROSS MOYNIHAN, ESQ.  
Nevada Bar No. 11848  
3 STOVALL & ASSOCIATES  
4 2301 Palomino Lane  
Las Vegas, NV 89107  
5 Telephone: (702) 258-3034  
E-service: court@lesstovall.com  
6 *Attorney for Plaintiff's Portillo*

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8 **UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

9 TAMEIA L. CITY, *et al*,  
*Plaintiff*  
10 vs.  
11 UNITED STATES,  
*Defendants*

CASE NO.: 2:20-cv-02193-JCM-EJY  
(Consolidated Case)

CASE NO.: 2:21-cv-00006-RFB-VCF

13 EMELY JOHANA PORTILLO, individually; and  
EVA L. LEONZO DE PORTILLO, individually.  
14 *Plaintiffs*  
vs.  
15 UNITED STATES,  
16 *Defendants.*

**STIPULATION & ORDER**  
**TO REOPEN THE CLOSE OF DISCOVERY**  
**DEADLINE, TO EXTEND THE PARTIES TIME**  
**TO FILE THEIR JOINT PRETRIAL**  
**MEMORANDUM, AND REQUEST FOR**  
**JUDICIAL SETTLEMENT CONFERENCE**  
(Sixth Request related to the extension of  
discovery deadlines)

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19 In accordance with Local Rules of Practice for the United States District Court for the District of  
20 Nevada ("LR") 26-4, IT IS HEREBY STIPULATED AND AGREED, by and between the above-named  
21 parties, through their undersigned counsel, that the close of discovery deadline in this case should be reopened  
22 for a period of 90 days due to the ongoing medical treatment of the plaintiffs, and the parties therefore request  
23 that the court order that reopening. The parties propose the following revised discovery plan. Pursuant to LR  
24 6-1(b), the Parties aver that this is the sixth request related to the extension/reopening of the close of discovery  
25 deadline in this matter. The parties further request a commensurate extension of time to file their joint pretrial  
26 memorandum and also request a judicial settlement conference with the court in the hope that this case may  
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1 be resolved prior to trial.

2 **I.**

3 **COMPLETED DISCOVERY TO DATE**

- 4 1. PLTs (PORTILLO, et. al) served Initial Disclosures to DEF.
- 5 2. PLTs (PORTILLO, et. al) served 1<sup>st</sup> SUPP Disclosures to DEF.
- 6 3. PLTs (PORTILLO, et. al) served 2<sup>nd</sup> SUPP Disclosures to DEF.
- 7 4. PLTs (PORTILLO, et. al) served 1<sup>st</sup> Written Discovery Requests to DEF.
- 8 5. PLTs' (PORTILLO, et. al) Depositions.
- 9 6. PLT (CITY) served Initial Disclosures to DEF.
- 10 7. PLT (CITY) Deposition on 4/5/22.
- 11 8. PLT (CITY) served 1<sup>st</sup> Written Discovery Requests to DEF.
- 12 9. DEF served Initial Disclosures to PLTs.
- 13 10. DEF served 1<sup>st</sup> SUPP Disclosures to PLTs.
- 14 11. DEF served 2<sup>nd</sup> SUPP Disclosures to PLTs.
- 15 12. DEF driver's Deposition.
- 16 13. DEF served 1<sup>st</sup> Written Discovery Requests to PLTs.
- 17 14. PLT (CITY) served First Supplemental Disclosures to DEF.
- 18 15. PLT (CITY) served Second Supplemental Disclosures to DEF.
- 19 16. PLT (CITY) served Third Supplemental Disclosures to DEF.
- 20 17. PLTs (PORTILLO, et. al) served Third Supplemental Disclosures to DEF.
- 21 18. PLTs (PORTILLO, et. al) served Fourth Supplemental Disclosures to DEF.
- 22 19. The parties have made initial expert disclosures.
- 23 20. The parties have made rebuttal expert disclosures.
- 24 21. PLTs (PORTILLO, et. al) served Fifth Supplemental Disclosures to DEF.
- 25 22. PLTs (PORTILLO, et. al) served Sixth Supplemental Disclosures to DEF.
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23. PLT (CITY) served Fourth Supplemental Disclosures to DEF.

24. All parties have provided Rule 26 disclosures, answered written discovery (including interrogatories, document productions, and requests for admission), subpoenaed multiple third parties, and otherwise diligently moved forward in this matter.

## II.

### **REMAINING DISCOVERY**

Discovery to be completed includes:

1. Supplementation of medical records and expert medical opinion related to Plaintiffs' continuing medical treatment.
2. The Defendant's Depositions of Plaintiffs' treating medical providers as needed.
3. The Defendant's independent obtaining of records related to Plaintiffs' ongoing medical treatment as needed.
4. Depositions of retained expert witnesses as needed.
5. Additional written and deposition discovery as needed.

The Parties aver, pursuant to Local Rule 6-1, that good cause and excusable neglect exist for the requested extension.

## III.

### **RATIONALE FOR REOPENING THE CLOSE OF DISCOVERY DEADLINE**

As detailed in the parties' last stipulation and order to extend the close of discovery deadline, the Plaintiffs Eva Portillo, Emely Portillo, and Tameia City all continue to receive medical care, specifically spinal therapeutic and diagnostic pain management care that will likely alter past and future special and general damages claimed in this case. The parties agree that supplementation of the continuing care medical and billing records along with supplementation of expert opinions and reporting should occur within discovery to ensure that the parties have the time to fairly address with discovery the plaintiff's further medical treatment. The parties therefore request a reopening of the June 20, 2023 close of discovery deadline so that

this discovery related to the Plaintiffs' continuing medical care can be fairly addressed by the parties. The parties submit that the above facts of continuing medical treatment present both good cause and excusable neglect for the requested close of discovery reopening. Consequently, the parties also seek an extension of the joint pretrial order filing deadline. The parties further request that the court order a judicial settlement conference in the hope that this matter can be resolved prior to trial.

#### IV.

#### PROPOSED SCHEDULE

<b>DEADLINE:</b>	<b>CURRENT:</b>	<b><del>PROPOSED</del> (120 days):</b>
<i>Amending pleadings or adding parties</i>	CLOSED	CLOSED
<i>Initial Expert Disclosures</i>	CLOSED	CLOSED
<i>Rebuttal Expert Disclosures</i>	CLOSED	CLOSED
<i>Discovery Ends</i>	06/20/23	11/20/23
<i>Dispositive Motions</i>	07/20/23	12/20/23
<i>Joint Pre-Trial Order</i>	08/18/23	01/22/24

#### V.

#### REQUEST FOR SETTLEMENT CONFERENCE

The parties hereby request that the court schedule a settlement conference with the parties at a time convenient to the court after October 23, 2023.

**SO STIPULATED** by the following:

DATED Friday, August 18, 2023

**THE SCHNITZER LAW FIRM**

/s/ Jordan P. Schnitzer  
**JORDAN P. SCHNITZER, ESQ.**  
**OLIVIA BIVENS, ESQ.**  
 9205 W. Russell Road,  
 Suite 240  
 Las Vegas, NV 89148  
 Attorney for Plaintiff, CITY

DATED Friday, August 18, 2023

**STOVALL & ASSOCIATES**

/s/ Ross Moynihan  
**LESLIE M. STOVALL, ESQ.**  
**ROSS MOYNIHAN, ESQ.**  
 2301 Palomino Lane,  
 Las Vegas, NV 89107  
 Attorney for Plaintiffs, PORTILLO & DE PORTILLO

1 DATED Friday, August 18, 2023

2 **UNITED STATES ATTORNEY'S OFFICE**

3 /s/ Stephen Hanson

4 **STEPHEN HANSON, ESQ.**

5 501 Las Vegas Blvd. So., # 1100

6 Las Vegas, NV 89101

7 *Attorney for Defendant, UNITED STATES*

8 **VI.**

9 **ORDER**

10 **IT IS HEREBY ORDERED** pursuant to the Stipulation of the parties hereto.

11 **IT IS FURTHER ORDERED** that the Court will issue a separate order setting the settlement  
12 conference.

13 DATED this 21st day of August, 2023.

14 By: Clayton J. Zouchak  
15 UNITED STATES MAGISTRATE JUDGE  
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